

**House Appropriations Committee on  
Agriculture and Natural and  
Economic Resources**

**2019 Budget  
Proposed Special Provisions**

April 25, 2019  
9:00 am



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-AGRIC-H3-P

Department of Agriculture and Consumer Services  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**DACS REPORT CHANGES**

**SECTION #.(a)** G.S. 19A-62(c) reads as rewritten:

"(c) Report. – In March of each year, the Department must report to the ~~Joint Legislative Commission on Governmental Operations~~ Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division. The report must contain information regarding all revenues and expenditures of the Spay/Neuter Account."

**SECTION #.(b)** G.S. 19A-69 reads as rewritten:

**"§ 19A-69. Report.**

The Department shall report annually to the ~~Joint Legislative Commission on Governmental Operations~~ Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division no later than March 1. The report shall contain information regarding all revenues and expenditures of the Animal Shelter Support Fund."

**SECTION #.(c)** G.S. 106-744(i) reads as rewritten:

"(i) The Advisory Committee shall report no later than October 1 of each year to the ~~Joint Legislative Commission on Governmental Operations~~, Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the Environmental Review Commission, ~~and the House of Representatives and Senate Appropriations Subcommittees on Natural and Economic Resources~~ the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, and the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources regarding the activities of the Advisory Committee, the agriculture easements purchased, and agricultural projects funded during the previous fiscal year."

**SECTION #.(d)** G.S. 106-747(f) reads as rewritten:

"(f) Reports. – The Committee shall report on its activities conducted to implement this section, including any findings, recommendations, and legislative proposals, to the North Carolina Military Affairs ~~Commission and Commission~~, the Agriculture and Forestry Awareness Study Commission, ~~Commission~~, and the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources beginning September 1, 2017, and annually thereafter, until such time as the Committee completes its work."

**SECTION #.(e)** G.S. 106-755.1(14) reads as rewritten:

"(14) By September 1 of each year, to report to the ~~House of Representatives Appropriations Subcommittee on Natural and Economic Resources, the Senate Appropriations Committee on Natural and Economic Resources, the Joint Legislative Commission on Governmental Operations, chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division~~ on the activities of the Council, the status of the wine and grape industry in North Carolina and the United

1 States, progress on the development and implementation of the State  
2 Viticulture Plan, and any contracts or agreements entered into by the Council  
3 for research, education, or marketing."

4 **SECTION #.(f)** G.S. 106-887(i) reads as rewritten:

5 "(i) The Department shall report no later than October 1 of each year to the ~~Joint~~  
6 ~~Legislative Commission on Governmental Operations, the House and Senate Appropriations~~  
7 ~~Subcommittees on Natural and Economic Resources, Joint Legislative Oversight Committee on~~  
8 ~~Agriculture and Natural and Economic Resources, the chairs of the Senate Appropriations~~  
9 ~~Committee on Agriculture, Natural, and Economic Resources, the chairs of the House of~~  
10 ~~Representatives Appropriations Committee on Agriculture and Natural and Economic~~  
11 ~~Resources, the Fiscal Research Division, and the Environmental Review Commission on the~~  
12 Department's management activities at DuPont State Recreational Forest during the preceding  
13 fiscal year and plans for management of DuPont State Recreational Forest for the upcoming fiscal  
14 year."

15 **SECTION #.(g)** G.S. 106-911 reads as rewritten:

16 **"§ 106-911. Annual report on wildfires.**

17 No later than October 1 of each year, beginning October 1, 2012, the Commissioner shall  
18 submit a written report on wildfires in the State to the chairs of the ~~House Appropriations~~  
19 ~~Subcommittee on Natural and Economic Resources and the Senate Appropriations Committee~~  
20 ~~on Natural and Economic Resources, the Joint Legislative Commission on Governmental~~  
21 ~~Operations, Senate Appropriations Committee on Agriculture, Natural, and Economic~~  
22 ~~Resources, the chairs of the House of Representatives Appropriations Committee on Agriculture~~  
23 ~~and Natural and Economic Resources, the Joint Legislative Oversight Committee on Agriculture~~  
24 ~~and Natural and Economic Resources, and the Fiscal Research Division of the General Assembly.~~  
25 The report shall include the following information for all major or project wildfires during the  
26 prior fiscal year:

27 ...."

28 **SECTION #.(h)** G.S. 106-1029(b)(3) and (5) read as rewritten:

29 "(3) Establish in November prior to those sessions in which the General Assembly  
30 considers the State budget, the estimated total assessment that will be  
31 collectible in the next budget period and so inform the ~~General Assembly, Joint~~  
32 ~~Legislative Oversight Committee on Agriculture and Natural and Economic~~  
33 ~~Resources.~~

34 ...

35 (5) By January 15 of each odd-numbered year, report to the ~~General Assembly~~  
36 ~~Joint Legislative Oversight Committee on Agriculture and Natural and~~  
37 ~~Economic Resources on the number of acres reforested, type of owners~~  
38 ~~assisted, geographic distribution of funds, the amount of funds encumbered~~  
39 ~~encumbered, and other matters. The report shall include the information by~~  
40 ~~forestry district and statewide and shall be for the two fiscal years prior to the~~  
41 ~~date of the report."~~

42 **SECTION #.(i)** Section 11.1 of S.L. 2012-142 is codified as G.S. 106-915 and reads  
43 as rewritten:

44 **"§ 106-915. B.R.I.D.G.E. Youthful Offenders Program; annual report.**

45 (a) The Division of Adult Correction of the Department of Public Safety shall give  
46 priority to the B.R.I.D.G.E. Youthful Offenders Program operated in cooperation with the North  
47 Carolina Forest Service when assigning youthful offenders from the Western Youth Institution  
48 to work programs.

49 (b) The North Carolina Forest Service shall submit an annual report on the B.R.I.D.G.E.  
50 Youthful Offenders Program no later than October 1 of each year beginning October 1, 2012, to  
51 the Fiscal Research Division, the ~~Chairs of the House Appropriations Subcommittee on Natural~~

1 ~~and Economic Resources and the Senate Appropriations Committee on Natural and Economic~~  
2 ~~Resources, the Chairs of the House Appropriations Subcommittee on Justice and Public Safety~~  
3 ~~and the Senate Appropriations Committee on Justice and Public Safety, the Joint Legislative~~  
4 ~~Commission on Governmental Operations, chairs of the Senate Appropriations Committee on~~  
5 ~~Agriculture, Natural, and Economic Resources, the chairs of the House of Representatives~~  
6 ~~Appropriations Committee on Agriculture and Natural and Economic Resources, the Joint~~  
7 ~~Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the~~  
8 ~~chairs of the Senate Appropriations Committee on Justice and Public Safety, the chairs of the~~  
9 ~~House of Representatives Appropriations Committee on Justice and Public Safety, and the Joint~~  
10 ~~Legislative Oversight Committee on Justice and Public Safety. The report shall include the~~  
11 ~~following information for the prior fiscal year:~~

12 ...."

13 **SECTION #.(j)** Section 13.7(b) of S.L. 2013-360 is codified as G.S. 106-590 and  
14 reads as rewritten:

15 "**§ 106-590. Annual report on funds allocated to the North Carolina Agricultural**  
16 **Foundation, Inc.**

17 ~~North Carolina Agricultural Foundation—FFA Foundation (hereinafter "FFA Foundation")~~  
18 ~~The North Carolina Agricultural Foundation, Inc., shall do the following if the Department of~~  
19 ~~Agriculture and Consumer Services allocates funds to the entity it for programs of the North~~  
20 ~~Carolina Future Farmers of America Association:~~

- 21 (1) By September 1 of each year, and more frequently as requested, report to the  
22 ~~Joint Legislative Commission on Governmental Operations~~ Joint Legislative  
23 Oversight Committee on Agriculture and Natural and Economic Resources  
24 and the Fiscal Research Division on prior State fiscal year program activities,  
25 objectives, and accomplishments and prior State fiscal year itemized  
26 expenditures and fund sources.  
27 (2) Provide to the Fiscal Research Division a copy of the organization's annual  
28 audited financial statement within 30 days of issuance of the statement."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-AGRIC-H1-P

Department of Agriculture and Consumer Services  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***TIMBER SALES/RETENTION OF PROCEEDS***

**SECTION #.** The Department of Agriculture and Consumer Services is authorized to expend up to one hundred fifty thousand dollars (\$150,000) each year for forestry management from funds received from the sale of timber that are deposited with the State Treasurer in a capital improvement account pursuant to G.S. 146-30. The Director of the Budget is authorized to transfer up to one hundred fifty thousand dollars (\$150,000) from the capital improvement account to the Reserve for Forestry Management in the Department's operating budget and to prepare succeeding continuation budget documents to include one hundred fifty thousand dollars (\$150,000) in the Reserve for Forestry Management.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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SPECIAL PROVISION



2019-AGRIC-H7-P

Department of Agriculture and Consumer Services  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**HEALTHY FOOD/SMALL RETAILER**

**SECTION #.(a)** The funds appropriated by S.L. 2018-5 for the Healthy Food/Small Retailer program shall be used to continue a program to reimburse small food retailers for expenditures related to enhancing access to healthy foods in areas that qualify as food desert zones according to the Economic Research Service of the United States Department of Agriculture. For the purposes of this section, a small food retailer is defined as a business that is a small retail outlet, including corner stores, convenience stores, cooperatives, and bodegas, of no more than 3,000 heated square feet that sells a limited selection of foods and other products. Funds may be used to reimburse small food retailers for the purchase and installation of refrigeration equipment, display shelving, and other equipment necessary for stocking nutrient-dense foods, including fresh vegetables and fruits, whole grains, nuts, seeds, beans and legumes, low-fat dairy products, lean meats, and seafood.

**SECTION #.(b)** The Department of Agriculture and Consumer Services may reimburse up to twenty-five thousand dollars (\$25,000) to each eligible small food retailer. Small food retailers receiving moneys from the program shall accept or agree to accept Supplemental Nutrition Assistance Program benefits and shall accept or agree to apply to accept Special Supplemental Nutrition Program for Women, Infants, and Children benefits. The Department shall establish guidelines for application and receipt of funding for small food retailers to ensure that the funds shall be used to enhance and advertise the availability of nutrient-dense foods. The Department shall assist the small food retailer in identifying suppliers of nutrient-dense foods and in developing a strategy to encourage the sale of nutrient-dense foods to customers.

**SECTION #.(c)** On or before October 1, 2019, and annually thereafter until the funds are expended, the Department of Agriculture and Consumer Services shall report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division on the activities funded by the Healthy Food/Small Retailer program, including the number of small food retailers receiving reimbursement, how the funds were used by the small food retailers, and the gross amount of nutrient-dense food, in dollars, sold to customers by participating small food retailers.

**SECTION #.(d)** This section becomes effective June 30, 2019.

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2019-AGRIC-H9-P

Department of Agriculture and Consumer Services  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

- 1 ***TOBACCO TRUST FUND ADMINISTRATIVE EXPENSES***
- 2       **SECTION #.** Notwithstanding G.S. 143-717(i), the Tobacco Trust Fund
- 3 Commission may use three hundred seventy-five thousand dollars (\$375,000) for the 2019-2020
- 4 fiscal year for administrative and operating expenses of the Commission and its staff.



GENERAL ASSEMBLY OF NORTH CAROLINA

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2019-AGRIC-H6-P

Department of Agriculture and Consumer Services  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***TOBACCO TRUST FUND GRANT***

**SECTION #.** Notwithstanding G.S. 143-720 and G.S. 143-721, of the funds appropriated to the Tobacco Trust Fund in this act, one million five hundred thousand dollars (\$1,500,000) in nonrecurring funds for the 2019-2020 fiscal year is allocated to the Town of Mount Olive to support locally based agriculture educational programs.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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SPECIAL PROVISION



2019-COMM-H5-P

Department of Commerce  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**COMMERCE REPORT CHANGE**

**SECTION #.** G.S. 143B-434.01(b) reads as rewritten:

"(b) Plan. – The Secretary shall review and update the existing Plan on or before April 1 of each year. The Plan shall cover a period of four years and each annual update shall extend the time frame by one year so that a four-year plan is always in effect. The Secretary shall provide copies of the Plan and each annual update to the ~~Governor and the Joint Legislative Commission on Governmental Operations.~~ Governor, the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources, and the Joint Legislative Economic Development and Global Engagement Oversight Committee. The Plan shall encompass all of the components set out in this section."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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SPECIAL PROVISION



2019-COMM-H2-P

Department of Commerce  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**COMMUNITY DEVELOPMENT BLOCK GRANTS**

**SECTION #.(a)** Of the funds appropriated in this act for federal block grant funds, the following allocations are made for the fiscal years ending June 30, 2020, and June 30, 2021, according to the following schedule:

**COMMUNITY DEVELOPMENT BLOCK GRANT**

01. State Administration	\$ 1,610,278
02. Neighborhood Revitalization	10,000,000
03. Economic Development	11,000,000
04. Infrastructure	25,719,918

**TOTAL COMMUNITY DEVELOPMENT**

**BLOCK GRANT – 2018 Program Year** \$ 48,330,196

**2019 Program Year** \$ 48,330,196

**SECTION #.(b)** If federal funds are reduced below the amounts specified in this section after the effective date of this act, then every program in each of these federal block grants shall be reduced by the same percentage as the reduction in federal funds.

**SECTION #.(c)** Any block grant funds appropriated by the Congress of the United States in addition to the funds specified in this section shall be expended as follows: each program category under the Community Development Block Grant shall be increased by the same percentage as the increase in federal funds.

**SECTION #.(d)** The Department of Commerce shall consult with the Joint Legislative Commission on Governmental Operations prior to reallocating Community Development Block Grant Funds. Notwithstanding the provisions of this subsection, whenever the Director of the Budget finds either of the following conditions exist:

- (1) If a reallocation is required because of an emergency that poses an imminent threat to public health or public safety, then the Director of the Budget may authorize the reallocation without consulting the Commission. The Department of Commerce shall report to the Commission on the reallocation no later than 30 days after it was authorized and shall identify in the report the emergency, the type of action taken, and how it was related to the emergency.
- (2) If the State will lose federal block grant funds or receive less federal block grant funds in the next fiscal year unless a reallocation is made, then the Department of Commerce shall provide a written report to the Commission on the proposed reallocation and shall identify the reason that failure to take

1 action will result in the loss of federal funds. If the Commission does not hear  
2 the issue within 30 days of receipt of the report, the Department may take the  
3 action without consulting the Commission.

4 **SECTION #.(e)** By September 1, 2019, and September 1, 2020, the Department of  
5 Commerce shall report to the chairs of the House of Representatives Appropriations Committee  
6 on Agriculture and Natural and Economic Resources; the chairs of the Senate Appropriations  
7 Committee on Agriculture, Natural, and Economic Resources; the Joint Legislative Economic  
8 Development and Global Engagement Oversight Committee; and the Fiscal Research Division  
9 on the use of Community Development Block Grant Funds appropriated in the prior fiscal year.  
10 The report shall include the following:

- 11 (1) A discussion of each of the categories of funding and how the categories were  
12 selected, including information on how a determination was made that there  
13 was a statewide need in each of the categories.
- 14 (2) Information on the number of applications that were received in each category  
15 and the total dollar amount requested in each category.
- 16 (3) A list of grantees, including the grantee's name, county, category under which  
17 the grant was funded, the amount awarded, and a narrative description of the  
18 project.

19 **SECTION #.(f)** For purposes of this section, eligible activities under the category of  
20 infrastructure in subsection (a) of this section shall be defined as provided in the HUD State  
21 Administered Community Development Block Grant definition of the term "infrastructure."  
22 Notwithstanding the provisions of subsection (d) of this section, funds allocated to the  
23 infrastructure category in subsection (a) of this section shall not be reallocated to any other  
24 category.

25 **SECTION #.(g)** Throughout each year, deobligated funds arise in the various  
26 funding categories and program years of the Community Development Block Grant (CDBG)  
27 program as a result of (i) projects coming in under budget, (ii) projects being cancelled, or (iii)  
28 projects being required to repay funds. Surplus federal administrative funds in the CDBG  
29 program may vary from year to year based upon the amount of State-appropriated funds allocated  
30 and the amount of eligible in-kind funds identified.

31 **SECTION #.(h)** To allow the Department of Commerce and the Department of  
32 Environmental Quality to quickly deploy deobligated and surplus federal administrative funds as  
33 they are identified throughout the program year, the following shall apply to the use of  
34 deobligated CDBG funds and surplus federal administrative funds:

- 35 (1) All surplus federal administrative funds shall be divided equally between the  
36 Departments of Commerce and Environmental Quality and shall be used as  
37 provided in subdivisions (2) and (3) of this subsection.
- 38 (2) All deobligated funds allocated to the Department of Commerce and any  
39 surplus federal administrative funds, as provided for in subdivision (1) of this  
40 subsection, may be used by the Department for all of the following:
  - 41 a. To issue grants in the CDBG economic development or neighborhood  
42 revitalization program category.
  - 43 b. For providing training and guidance to local governments relative to  
44 the CDBG program, its management, and administrative requirements.
  - 45 c. For additional assistance for pilot broadband projects.
  - 46 d. For any other purpose consistent with the Department's administration  
47 of the CDBG program if an equal amount of State matching funds is  
48 available.
- 49 (3) All deobligated funds allocated to the Department of Environmental Quality  
50 and any surplus federal administrative funds, as provided for in subdivision  
51 (1) of this subsection, may be used by the Department for all of the following:

- 1
  - 2
  - 3
  - 4
- a. To issue grants in the CDBG infrastructure program category.
  - b. For any other purpose consistent with the Department's administration of the CDBG program if an equal amount of State matching funds is available.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-NER-H1A-P

Natural and Economic Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**GOLDEN LEAF REPORT CHANGES**

**SECTION #.** Section 3 of S.L. 1999-2 reads as rewritten:

"Section 3. The Attorney General shall draft articles of incorporation for the nonprofit corporation to enable the nonprofit corporation to carry out its mission as set out in the Consent Decree. The articles of incorporation shall provide for the following:

(1) Consultation; reporting. – The nonprofit corporation shall consult with the Joint Legislative Commission on Governmental Operations (~~"Commission"~~) prior to the corporation's board of directors (i) adopting bylaws and (ii) adopting the annual operating budget. The nonprofit corporation shall also report on its programs and activities to the ~~Commission~~ Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Joint Legislative Economic Development and Global Engagement Oversight Committee on or before ~~March 1~~ September 15 of each fiscal year and more frequently as requested by ~~the Commission~~ either Committee. The report shall include information on the activities and accomplishments during the fiscal year, itemized expenditures during the fiscal year, planned activities and goals for at least the next 12 months, and itemized anticipated expenditures for the next fiscal year. The nonprofit corporation shall also ~~annually~~ provide to the Commission Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Joint Legislative Economic Development and Global Engagement Oversight Committee an itemized report of its administrative expenses and copies of its annual ~~report~~ audited financial statement and tax return information information within 30 days of receiving an audit report.

(2) Public records; open meetings. – The nonprofit corporation is subject to the Open Meetings Law as provided in Article 33C of Chapter 143 of the General Statutes and the Public Records Act as provided in Chapter 132 of the General Statutes. The nonprofit corporation shall publish at least annually a report, available to the public and filed with the ~~Joint Legislative Commission on Governmental Operations~~ Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Joint Legislative Economic Development and Global Engagement Oversight Committee, of every expenditure or distribution in furtherance of the public charitable purposes of the nonprofit corporation.

...."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-COMM-H6-P

Department of Commerce  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**COMMERCE NONPROFITS/REPORTING REQUIREMENTS**

**SECTION #.(a)** The entities listed in subsection (b) of this section shall do the following for each year that State funds are expended:

- (1) By September 1 of each year, and more frequently as requested, report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources; the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources; the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources; and the Fiscal Research Division on prior State fiscal year program activities, objectives, and accomplishments and prior State fiscal year itemized expenditures and fund sources.
- (2) Provide to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources; the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources; the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources; and the Fiscal Research Division a copy of the entity's annual audited financial statement within 30 days of issuance of the statement.

**SECTION #.(b)** The following entities shall comply with the requirements of subsection (a) of this section:

- (1) North Carolina Biotechnology Center.
- (2) High Point Market Authority.
- (3) RTI International.
- (4) Carolina Small Business Development Fund.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-COMM-H7-P

Department of Commerce  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**NC BIOTECHNOLOGY CENTER**

**SECTION #.(a)** Of the funds appropriated in this act to the Department of Commerce, the sum of fourteen million six hundred thousand three hundred thirty-eight dollars (\$14,600,338) for the 2019-2020 fiscal year and the sum of fourteen million one hundred thousand three hundred thirty-eight dollars (\$14,100,338) for the 2020-2021 fiscal year shall be allocated to the North Carolina Biotechnology Center (hereinafter "Center") for the following purposes:

- (1) Job creation: AgBiotech Initiative, economic and industrial development, and related activities – three million four hundred twenty-four thousand seventy-three dollars (\$3,424,073) for the 2019-2020 fiscal year and three million one hundred seventy-four thousand seventy-three dollars (\$3,174,073) for the 2020-2021 fiscal year.
- (2) Science and commercialization: science and technology development, Centers of Innovation, business and technology development, education and training, and related activities – nine million three hundred thirteen thousand nineteen dollars (\$9,313,019) for the 2019-2020 fiscal year and nine million sixty-three thousand nineteen dollars (\$9,063,019) for the 2020-2021 fiscal year.
- (3) Center operations: administration, professional and technical assistance and oversight, corporate communications, human resource management, financial and grant administration, legal, and accounting – one million eight hundred sixty-three thousand two hundred forty-six dollars (\$1,863,246) for each fiscal year of the 2019-2021 biennium.

**SECTION #.(b)** The Center shall prioritize funding and distribution of loans over existing funding and distribution of grants.

**SECTION #.(c)** Up to ten percent (10%) of each of the allocations in subsection (a) of this section may be reallocated to subdivision (a)(1) or subdivision (a)(2) of this section if, in the judgment of Center management, the reallocation will advance the mission of the Center.



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DEQ-H2-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**DEQ REPORT CHANGES**

**SECTION #.(a)** G.S. 113A-241 reads as rewritten:

"§ 113A-241. State to ~~Preserve One Million Acres; Annual report~~preserve one million acres.

(a) The State of North Carolina shall encourage, facilitate, plan, coordinate, and support appropriate federal, State, local, and private land protection efforts so that an additional one million acres of farmland, open space, and conservation lands in the State are permanently protected by December 31, 2009. These lands shall be protected by acquisition in fee simple or by acquisition of perpetual conservation easements by public conservation organizations or by private entities that are organized to receive and administer lands for conservation purposes.

(b) The Secretary of Environmental Quality shall lead the effort to add one million acres to the State's protected lands and shall plan and coordinate with other public and private organizations and entities that are receiving and administering lands for conservation purposes.

~~(c) The Secretary of Environmental Quality shall report to the Governor and the Environmental Review Commission on or before 1 October of each year on the State's progress towards attaining the goal established in this section."~~

**SECTION #.(b)** Section 15.6(b) of S.L. 1999-237, as amended by Section 4.21 of S.L. 2017-10, reads as rewritten:

"Section 15.6.(b) The Department of Environmental Quality and the Office of State Budget and Management shall report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources the amount and the source of the funds used pursuant to subsection (a) of this section ~~within 30 days of the expenditure of these funds on or before April 15 of each year and shall include this information in the status of solid waste management report required to be submitted pursuant to G.S. 130A-309.06(c)."~~

**SECTION #.(c)** G.S. 130A-309.06(c) reads as rewritten:

"(c) The Department shall report to the Environmental Review Commission and the Fiscal Research Division on or before ~~January 15~~ April 15 of each year on the status of solid waste management efforts in the State. The report shall ~~include~~include all of the following:

...

(17) ~~A report~~ Reports on the Inactive Hazardous Waste Response Act of 1987 pursuant to G.S. 130A-310.10(a). G.S. 130A-310.10.

...

(20) A report on the use of funds for Superfund cleanups and inactive hazardous site cleanups."

**SECTION #.(d)** G.S. 130A-294(i) reads as rewritten:

"(i) The Department shall include in the status of solid waste management report required to be submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) a report on the implementation and cost of the hazardous waste management program. The report shall include an evaluation of how well the State and private parties are managing and cleaning up hazardous waste. The report shall also include recommendations to the Governor, State agencies,

1 and the General Assembly on ways to: improve waste management; reduce the amount of waste  
2 generated; maximize resource recovery, reuse, and conservation; and minimize the amount of  
3 hazardous waste which must be disposed of. The report shall include beginning and ending  
4 balances in the Hazardous Waste Management Account for the reporting period, total fees  
5 collected pursuant to G.S. 130A-294.1, anticipated revenue from all sources, total expenditures  
6 by activities and categories for the hazardous waste management program, any recommended  
7 adjustments in annual and tonnage fees which may be necessary to assure the continued  
8 availability of funds sufficient to pay the State's share of the cost of the hazardous waste  
9 management program, and any other information requested by the General Assembly. In  
10 recommending adjustments in annual and tonnage fees, the Department may propose fees for  
11 hazardous waste generators, and for hazardous waste treatment facilities that treat waste  
12 generated on site, which are designed to encourage reductions in the volume or quantity and  
13 toxicity of hazardous waste. The report shall also include a description of activities undertaken  
14 to implement the resident inspectors program established under G.S. 130A-295.02. In addition,  
15 the report shall include an annual update on the mercury switch removal program that shall  
16 include, at a minimum, all of the following:

17 ...."

18 **SECTION #.(e)** G.S. 130A-309.64(e) reads as rewritten:

19 "(e) The Department shall include in the report to be delivered to the Environmental  
20 Review Commission ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) a  
21 description of the implementation of the North Carolina Scrap Tire Disposal Act under this Part  
22 for the fiscal year ending the preceding June 30. The description of the implementation of the  
23 North Carolina Scrap Tire Disposal Act shall include a list of the recipients of grants under  
24 subsection (a) of this section and the amount of each grant for the previous 12-month period. The  
25 report also shall include the amount of funds used to clean up nuisance sites under subsection (d)  
26 of this section."

27 **SECTION #.(f)** G.S. 130A-309.85 reads as rewritten:

28 **"§ 130A-309.85. Reporting on the management of white goods.**

29 The Department shall include in the report to be delivered to the Environmental Review  
30 Commission ~~on or before 15 January of each year~~ pursuant to G.S. 130A-309.06(c) a description  
31 of the management of white goods in the State for the fiscal year ending the preceding 30 June.  
32 The description of the management of white goods shall include the following information:

33 ...."

34 **SECTION #.(g)** G.S. 130A-309.140(a) reads as rewritten:

35 "(a) The Department shall include in the status of solid waste management report required  
36 to be submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) a report  
37 on the recycling of discarded computer equipment and televisions in the State under this Part.  
38 The report must include an evaluation of the recycling rates in the State for discarded computer  
39 equipment and televisions, a discussion of compliance and enforcement related to the  
40 requirements of this Part, and any recommendations for any changes to the system of collection  
41 and recycling of discarded computer equipment, televisions, or other electronic devices."

42 **SECTION #.(h)** G.S. 130A-310.10 reads as rewritten:

43 **"§ 130A-310.10. Annual reports.**

44 (a) The Secretary shall include in the status of solid waste management report required  
45 to be submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) a report  
46 on inactive hazardous sites that includes at least the following:

47 (1) The Inactive Hazardous Waste Sites Priority List.

48 (2) A list of remedial action plans requiring State funding through the Inactive  
49 Hazardous Sites Cleanup Fund.

- (3) A comprehensive budget to implement these remedial action plans and the adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the cost of ~~said these~~ plans.
- (4) A prioritized list of sites that are eligible for remedial action under CERCLA/SARA together with recommended remedial action plans and a comprehensive budget to implement ~~such these~~ plans. The budget for implementing a remedial action plan under CERCLA/SARA shall include a statement as to any appropriation that may be necessary to pay the State's share of ~~such the~~ plan.
- (5) A list of sites and remedial action plans undergoing voluntary cleanup with Departmental approval.
- (6) A list of sites and remedial action plans that may require State funding, a comprehensive budget if implementation of these possible remedial action plans is required, and the adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the possible costs of ~~said these~~ plans.
- (7) A list of sites that pose an imminent hazard.
- (8) A comprehensive budget to develop and implement remedial action plans for sites that pose imminent hazards and that may require State funding, and the adequacy of the Inactive Hazardous Sites Cleanup Fund.
- (8a) Repealed by Session Laws 2015-286, s. 4.7(f), effective October 22, 2015.
- (9) Any other information requested by the General Assembly or the Environmental Review Commission.

(a1) On or before ~~October 1~~ April 15 of each year, the Department shall report to each member of the General Assembly who has an inactive hazardous substance or waste disposal site in the member's district. This report shall include the location of each inactive hazardous substance or waste disposal site in the member's district, the type and amount of hazardous substances or waste known or believed to be located on each of these sites, the last action taken at each of these sites, and the date of that last action. The Department shall include this information in the status of solid waste management report required to be submitted pursuant to G.S. 130A-309.06(c).

(b) Repealed by Session Laws 2001-452, s. 2.3, effective October 28, 2001."

**SECTION #.(i)** G.S. 130A-310.40 reads as rewritten:

**"§ 130A-310.40. Legislative reports.**

The Department shall include in the status of solid waste management report required to be submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) an evaluation of the effectiveness of this Part in facilitating the remediation and reuse of existing industrial and commercial properties. This evaluation shall include any recommendations for additional incentives or changes, if needed, to improve the effectiveness of this Part in addressing ~~such these~~ properties. This evaluation shall also include a report on receipts by and expenditures from the Brownfields Property Reuse Act Implementation Account."

**SECTION #.(j)** G.S. 143-215.104U(a) reads as rewritten:

"(a) The Secretary shall include in the status of solid waste management report required to be submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) a report on at least the following:

...."

**SECTION #.(k)** Section 14.22(j) of S.L. 2013-360 reads as rewritten:

**"SECTION 14.22.(j)** This section authorizes a Long Term Dredging Memorandum of Agreement with the U.S. Army Corps of Engineers which may last beyond the current fiscal biennium and which shall provide for all of the following:

- (1) Prioritization of projects through joint consultation with the State, applicable units of local government, and the U.S. Army Corps of Engineers.

- 1 (2) Compliance with G.S. 143-215.73F. Funds in the Shallow Draft Navigation  
2 Channel Dredging Fund shall be used in accordance with that section.
- 3 (3) Annual reporting by the Department on the use of funds provided to the U.S.  
4 Army Corps of Engineers under the Long Term Dredging Memorandum of  
5 Agreement. These reports shall be made to the ~~Joint Legislative Commission~~  
6 ~~on Governmental Operations,~~ Joint Legislative Oversight Committee on  
7 Agriculture and Natural and Economic Resources, the Fiscal Research  
8 Division, and the Office of State Budget and Management and shall include  
9 all of the following:
- 10 a. A list of all projects commenced.  
11 b. The estimated cost of each project.  
12 c. The date that work on each project commenced or is expected to  
13 commence.  
14 d. The date that work on each project was completed or is expected to be  
15 completed.  
16 e. The actual cost of each project."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DEQ-H1-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**COLLABORATORY/GENX**

**SECTION #.** Section 13.1(g) of S.L. 2018-5 reads as rewritten:

**"SECTION 13.1.(g)** The North Carolina Policy Collaboratory at the University of North Carolina at Chapel Hill (Collaboratory) shall identify faculty expertise, technology, and instrumentation, including mass spectrometers, located within institutions of higher education in the State, including the Universities of North Carolina at Chapel Hill and Wilmington, North Carolina State University, North Carolina A&T State University, Duke University, and other public and private institutions, and coordinate these faculty and resources to conduct nontargeted analysis for PFAS, including GenX, at all public water supply surface water intakes and one public water supply well selected by each municipal water system that operates groundwater wells for public drinking water supplies as identified by the Department of Environmental Quality, to establish a water quality baseline for all sampling sites. The Collaboratory, in consultation with the participating institutions of higher education, shall establish a protocol for the baseline testing required by this subsection, as well as a protocol for periodic retesting of the municipal intakes and additional public water supply wells. No later than ~~December 1, 2019,~~ December 1, 2020, Collaboratory shall report the results of such sampling by identifying chemical families detected at each intake to the Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the Department of Environmental Quality, the Department of Health and Human Services, and the United States Environmental Protection Agency."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DEQ-H7-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***SEPTAGE MANAGEMENT PROGRAM PERMITTING TIME LINE AMENDMENTS***

**SECTION #.** G.S. 130A-291.1(e2) reads as rewritten:

"(e2) A properly completed application for a permit and the annual fee under this section are due by ~~1 January~~ November 1 of each year. The Department shall mail a notice of the annual fees to each permitted septage management firm and each individual who operates a septage treatment or disposal facility prior to ~~1 November~~ October 1 of each calendar year. A late fee in the amount equal to fifty percent (50%) of the annual permit fee under this section shall be submitted when a properly completed application and annual permit fee are not submitted by ~~1 January~~ January 1 following the ~~1 November~~ October 1 notice. The clear proceeds of civil penalties collected pursuant to this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DEQ-H9-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**SHALLOW DRAFT NAVIGATION DREDGING AND AQUATIC WEED FUND  
AMENDMENTS**

**SECTION #.** G.S. 143-215.73F(b) reads as rewritten:

"(b) Uses of Fund. – Revenue in the Fund may only be used for the following purposes:

- (1) To provide the State's share of the costs associated with any dredging project designed to keep shallow draft navigation channels located in State waters or waters of the ~~state~~ State located within lakes navigable and safe.
- (2) For aquatic weed control projects in waters of the State under Article 15 of Chapter 113A of the General Statutes. Funding for aquatic weed control projects is limited to one million dollars (\$1,000,000) in each fiscal year.
- ~~(3)(3a) For the compensation of a beach and inlet management project manager with the Division of Coastal Management of the Department of Environmental Quality for the purpose of overseeing all~~ For administrative support of Fund operations.
- ~~(3b) For administrative support of activities related to beach and inlet management in the State. Funding for the position is limited to ninety-nine thousand dollars (\$99,000) in each fiscal year.~~
- (4) To provide funding for siting and acquisition of dredged disposal easement sites associated with the maintenance of the Atlantic Intracoastal Waterway between the border with the state of South Carolina and the border with the Commonwealth of Virginia, under a Memorandum of Agreement between the State and the federal government.
- (5) For assessments and data collection regarding dredge material disposal sites located in the State."

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2019-DEQ-H3-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***MOUNT AIRY FUNDING CLARIFICATION***

**SECTION #.** Subdivision (2) of Section 13.4 of S.L. 2018-5 reads as rewritten:

"(2) One million dollars (\$1,000,000) to the Town of Mount Airy for ~~a water and sewer line extension project.~~water or sewer projects."



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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SPECIAL PROVISION



2019-DEQ-H4-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**1 WATER AND SEWER INFRASTRUCTURE GRANTS**

**2 SECTION #.** Of the funds appropriated by this act to the Division of Water  
**3 Infrastructure** of the Department of Environmental Quality for water and sewer infrastructure  
**4 grants**, the following sums are allocated to the indicated local governments for the 2019-2020  
**5 fiscal year** for various water and sewer infrastructure projects:

- 6 (1)** Two hundred thousand dollars (\$200,000) to the Town of Four Oaks.
- 7 (2)** Five hundred thousand dollars (\$500,000) to the Town of Maysville.
- 8 (3)** Five hundred thousand dollars (\$500,000) to the Town of Midland.
- 9 (4)** One hundred thousand dollars (\$100,000) to the Town of Wilson's Mills.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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SPECIAL PROVISION



2019-DEQ-H14-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**WASTEWATER INFRASTRUCTURE PROJECT**

**SECTION #.** Notwithstanding G.S. 159G-22(b), fifteen million dollars (\$15,000,000) of funds appropriated in this act to the Division of Water Infrastructure for the Wastewater Reserve shall be used to provide a loan to the City of King for a wastewater system. Notwithstanding G.S. 159G-20(21) and G.S. 159G-40(b)(1), the interest rate for the loan shall be zero percent (0%).

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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SPECIAL PROVISION



2019-DEQ-H8-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***INVESTMENT FLEXIBILITY AND RETAINED EARNINGS FOR RIPARIAN BUFFER  
RESTORATION FUND AND RETAINED EARNINGS FOR ECOSYSTEM  
RESTORATION FUND***

**SECTION #.(a)** G.S. 147-69.2(a) reads as rewritten:

"(a) This section applies to funds held by the State Treasurer to the credit of each of the following:

...

(17n) The Riparian Buffer Restoration Fund.

...."

**SECTION #.(b)** G.S. 147-69.2(d) reads as rewritten:

"(d) The State Treasurer may invest funds deposited pursuant to subdivisions (17i), (17j), ~~and (17k)-(17k), (17l), and (17n)~~ of subsection (a) of this section in any of the investments authorized under subdivisions (1) through (6) and subdivision (8) of subsection (b) of this section. The State Treasurer may require a minimum deposit, up to one hundred thousand dollars (\$100,000), and may assess a reasonable fee, not to exceed 15 basis points, as a condition of participation pursuant to this subsection. Fees assessed by the State Treasurer may be used to defray the costs of administering the funds and expenditures authorized under this section. Funds deposited pursuant to this subsection shall remain the funds of the North Carolina Conservation Easement Endowment Fund, the Conservation Grant Fund, the Ecosystem Restoration Fund, the Riparian Buffer Restoration Fund, or the Wildlife Endowment Fund, as applicable, and interest or other investment income earned thereon shall be prorated and credited to the North Carolina Conservation Easement Endowment Fund, the Conservation Grant Fund, the Ecosystem Restoration Fund, the Riparian Buffer Restoration Fund, or the Wildlife Endowment Fund on the basis of the amounts contributed to the respective Funds, figured according to sound accounting principles."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DEQ-H13A-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

1 ***CERTAIN TIMBER SALES/NONREVERT***

2 **SECTION #.** Section 14.3 of S.L. 2015-241 reads as rewritten:

3 **"SECTION 14.3.** The Department of ~~Environment and Natural Resources~~' Environmental  
4 Quality's Stewardship Program may retain revenue generated from timber harvesting on the  
5 Great Coharie property in the Conservation Grant Endowment Interest Fund (~~6705~~) (Fund Code  
6 64307-6705) for the purpose of restoration and stewardship of that property and these funds are  
7 hereby appropriated for that purpose. ~~Any unused portion of this revenue remaining in the Fund~~  
8 ~~on June 30, 2019 shall revert to the General Fund."~~

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DEQ-H15-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**CONSERVATION GRANT FUND CHANGES**

**SECTION #.(a)** G.S. 113A-235(a) is recodified as G.S. 113A-234(a1), and G.S. 113A-232(c) is recodified as G.S. 113A-235(a).

**SECTION #.(b)** G.S. 113A-232, as amended by subsection (a) of this section, reads as rewritten:

**"§ 113A-232. Conservation Grant Fund.**

(a) Fund Created. – The Conservation Grant Fund is created within the Department of Environmental Quality. The Fund shall be administered by the Department. ~~The purpose of the Fund is to stimulate the use of conservation easements, to improve the capacity of private nonprofit land trust organizations to successfully accomplish conservation projects, to better equip real estate related professionals to pursue opportunities for conservation, to increase landowner participation in land and water conservation, and to provide an opportunity to leverage private and other public monies for conservation easements.~~

(a1) Fund Purpose. – The purpose of the Conservation Grant Fund is to stimulate the use of conservation easements, to steward properties held by deed or conservation easement by the State, to improve the capacity of private nonprofit land trust organizations to successfully accomplish conservation projects, to better equip real estate related professionals to pursue opportunities for conservation, to increase landowner participation in land and water conservation, and to provide an opportunity to leverage private and other public funds for conservation easements.

(b) Fund Sources. – The Conservation Grant Fund shall consist of any ~~monies-funds~~ appropriated to it by the General Assembly and any ~~monies-funds~~ received from public or private sources. Unexpended ~~monies-funds~~ in the Fund that were appropriated from the General Fund by the General Assembly shall revert at the end of the fiscal year unless the General Assembly otherwise provides. Unexpended ~~monies-funds~~ in the Fund from other sources shall not revert and shall remain available for expenditure in accordance with this Article.

(c1) Grant Eligibility. – State Conservation properties, as described in G.S. 113A-235, State conservation land management agencies, local government conservation land management agencies, and private nonprofit land trust organizations are eligible to receive grants from the Conservation Grant Fund. Private nonprofit land trust organizations must be certified under section-Section 501(c)(3) of the Internal Revenue Code to aid in managing the land.

(d) Use of Revenue. – Revenue in-and investment income generated by the Conservation Grant Fund may be used only for the following purposes:

(1) The administrative costs of the Department in administering the Fund-Fund and stewardship program operations.

(2) Conservation grants-Expenses related to grants, contracts, and agreements made in accordance with this Article-Article, including any of the following:

a. Reimbursement for total or partial transaction costs for a donation of real property or an interest in real property from an individual or corporation, when the Department determines either of the following:

1. The donor has insufficient financial ability to pay all costs or insufficient taxable income to allow these costs to be included in the donated value.
  2. The donor has insufficient tax burdens to allow these costs to be offset by charitable deductions.
  - b. Management support, including initial baseline inventory and planning.
  - c. Monitoring compliance of conservation easements, the related use of riparian buffers, natural areas, and greenways, and the presence of ecological integrity.
  - d. Education and studies on conservation properties, including information materials intended for landowners and education for staff and volunteers.
  - e. Stewardship of conservation properties.
  - f. Transaction costs for recipients, including legal expenses, closing and title costs, and unusual direct costs, such as overnight travel.
  - g. Administrative costs.
  - h. Award of grants under G.S. 113A-234.
  - i. Legal expenses incurred in protecting and seeking remedies for damages to Department-held conservation properties.
  - j. Acquisition of conservation properties and easements.
- (3) To establish an endowment account, the interest from which will be used for a purpose described in G.S. 113A-233(a), this subsection. The principal of this account shall not be used for the purchase of real property or an interest in real property."

**SECTION #.(c)** G.S. 113A-233 is repealed.

**SECTION #.(d)** G.S. 113A-234 reads as rewritten:

**"§ 113A-234. Administration of grants.**

(a) Grant Procedures and Criteria. – The Secretary of the Department of Environmental Quality shall establish the procedures and criteria for awarding grants from the Conservation Grant Fund. The criteria shall focus grants on those areas, approaches, and techniques that are likely to provide the optimum positive effect on environmental protection. The Secretary shall make the final decision on the award of grants and shall announce the award publicly in a timely manner.

...."

**SECTION #.(e)** G.S. 113A-235, as amended by subsection (a) of this section, reads as rewritten:

**"§ 113A-235. Conservation easements, properties eligible for funding.**

(a) Property Eligibility. – In order for real property or an interest in real property to be ~~the subject of~~ eligible for a grant under this Article, Article as a conservation property, the real property or interest in real property must meet all of the following conditions:

...

~~(a)(1) Acquisition and Protection of Conservation Easements. Properties.~~ – Ecological systems and appropriate public use of these systems may be protected through conservation easements, including conservation agreements under Article 4 of Chapter 121 of the General Statutes, the Conservation and Historic Preservation Agreements Act, and conservation easements under the Conservation Reserve Enhancement Program. The Department may acquire conservation properties and easements by purchase, gift, or assignment, in accordance with G.S. 146-22. The Department of Environmental Quality shall work cooperatively with State and local agencies and qualified nonprofit organizations to monitor compliance with conservation easements and conservation agreements and to ensure the continued viability of the protected

1 ecosystems. Soil and water conservation districts established under Chapter 139 of the General  
2 Statutes may acquire easements under the Conservation Reserve Enhancement Program by  
3 purchase or gift.  
4 ...."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DEQ-H10-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**DRY CLEANING SOLVENT PROGRAM AMENDMENTS**

**SECTION #.(a)** G.S. 143-215.104A reads as rewritten:

**"§ 143-215.104A. Title; sunset.**

This part is the "Dry-Cleaning Solvent Cleanup Act of 1997" and may be cited by that name.  
~~Except as otherwise provided in this section, this~~ This part expires ~~1 January 2022~~January 1, 2032, except with respect to all of the following:

- (1) G.S. 143-215.104K ~~is not repealed~~does not expire to the extent that it applies to liability arising from dry-cleaning solvent contamination described in a Dry-Cleaning Solvent Assessment Agreement or Dry-Cleaning Solvent Remediation Agreement entered into by the Environmental Management Commission pursuant to G.S. 143-215.104H and G.S. 143-215.104I.
- (2) Any Dry-Cleaning Solvent Assessment Agreement or Dry-Cleaning Solvent Remediation Agreement in force as of ~~1 January 2012~~January 1, 2032, shall continue to be governed by the provisions of Part 6 of Article 21A of Chapter 143 of the General Statutes as though those provisions had not been repealed.
- (3) G.S. 143-215.104D(b)(2) ~~is not repealed~~does not expire; rules adopted by the Environmental Management Commission pursuant to G.S. 143-215.104D(b)(2) shall continue in effect; and those rules may be enforced pursuant to G.S. 143-215.104P, 143-215.104Q, and 143-215.104R, which shall remain in effect for that purpose."

**SECTION #.(b)** G.S. 105-164.44E reads as rewritten:

**"§ 105-164.44E. Transfer to the Dry-Cleaning Solvent Cleanup Fund.**

(a) Transfer. – At the end of each quarter, the Secretary must transfer to the Dry-Cleaning Solvent Cleanup Fund established under G.S. 143-215.104C an amount equal to fifteen percent (15%) of the net State sales and use taxes collected under G.S. 105-164.4(a)(4) during the previous fiscal year, as determined by the Secretary based on available data.

(b) Sunset. – This section is repealed effective ~~July 1, 2020~~July 1, 2030."

**SECTION #.(c)** G.S. 105-187.35 reads as rewritten:

**"§ 105-187.35. Sunset.**

This Article is repealed effective ~~January 1, 2020~~January 1, 2030."



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DNCR-H8-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***DNCR REPORT CHANGES***

**SECTION #.(a)** Part 1 of Article 2 of Chapter 143B of the General Statutes is amended by adding a new section to read:

**"§ 143B-53.10. Annual report on fees.**

The Department of Natural and Cultural Resources shall submit a report by October 15 of each year to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources on fees charged in the previous fiscal year at all historic sites, museums, aquariums, and State parks and at the North Carolina Zoological Park and the U.S.S. North Carolina Battleship. The report shall include all of the following:

- (1) For each site, the amount and type of fees charged.
- (2) For each site, the total amount collected by type of fee and how the funds were expended.
- (3) Visitor information, including a breakdown of fee-paying visitors and visitors whose fees were waived, such as visitors in school groups.
- (4) Any fee changes and a justification for any increases or decreases.
- (5) Number of days the site was open to visitors.
- (6) Plans, if known, to change fees in the upcoming year."

**SECTION #.(b)** G.S. 121-7.3 reads as rewritten:

**"§ 121-7.3. Admission and related activity fees and operating hours.**

The Department of Natural and Cultural Resources may charge a reasonable admission and related activity fee to the Roanoke Island Festival Park and any historic site or museum administered by the Department. Admission and related activity fees collected under this section are receipts of the Department and shall be deposited in the appropriate special fund. The revenue collected pursuant to this section shall be used only for the individual site or venue where the receipts were generated. The Secretary may adopt rules necessary to carry out the provisions of this section. The Department is exempt from the requirements of Chapter 150B of the General Statutes and G.S. 12-3.1 when adopting, amending, or repealing rules for operating hours and admission fees or related activity fees at the Roanoke Island Festival Park, historic sites, and museums. ~~The Department shall submit a report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division on the amount and purpose of a fee change within 30 days following its effective date."~~

**SECTION #.(c)** G.S. 143B-71 reads as rewritten:

**"§ 143B-71. Tryon Palace Commission – creation, powers-powers, and duties.**

There is hereby created the Tryon Palace Commission of the Department of Natural and Cultural Resources with the power and duty to adopt, ~~amend-amend~~, and rescind rules and regulations concerning the restoration and maintenance of the Tryon Palace complex, and with other powers and duties as provided in Article 2 of Chapter 121 of the General Statutes of North Carolina, ~~Statutes~~, including the authority to charge reasonable admission and related activity fees. The Commission is exempt from the requirements of Chapter 150B of the General Statutes and G.S. 12-3.1 when adopting, amending, or repealing rules for operating hours and admission

1 fees or related activity fees at Tryon Palace Historic Sites and Gardens. ~~The Commission shall~~  
2 ~~submit a report to the Joint Legislative Oversight Committee on Agriculture and Natural and~~  
3 ~~Economic Resources and the Fiscal Research Division on the amount and purpose of a fee change~~  
4 ~~within 30 days following its effective date."~~

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DNCR-H13-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***U.S.S. NORTH CAROLINA BATTLESHIP COMMISSION DYNAMIC PRICING  
CONFORMING CHANGE AND RULE-MAKING EXEMPTION***

**SECTION #.(a)** G.S. 143B-71 reads as rewritten:

**"§ 143B-73. U.S.S. North Carolina Battleship Commission – creation, powers, and duties.**

There is hereby created the U.S.S. North Carolina Battleship Commission of the Department of Natural and Cultural Resources with the power and duty to adopt, amend, and rescind rules and regulations under and not inconsistent with the laws of this State necessary in carrying out the provisions and purposes of this Part.

...

(2) The U.S.S. North Carolina Battleship Commission shall have the power and duty to charge reasonable admission and related activity fees for admission to the ship and to establish standards and adopt rules and regulations: ~~(i) establishing and providing for a proper charge for admission to the ship; and (ii) regulations~~ for the maintenance and operation of the ship as a permanent memorial and exhibit.

(3) The Commission shall adopt rules and regulations consistent with the provisions of this Chapter. The Commission is exempt from the requirements of Chapter 150B of the General Statutes and G.S. 12-3.1 when adopting, amending, or repealing rules for operating hours and admission fees or related activity fees at the U.S.S. North Carolina Battleship. ~~The Commission shall submit a report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division on the amount and purpose of a fee change within 30 days following its effective date."~~

**SECTION #.(b)** G.S. 150B-1(d) reads as rewritten:

**"§ 150B-1. Policy and scope.**

(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

...

(23) The Department of Natural and Cultural Resources with respect to operating hours, admission fees—fees, or related activity fees at historic sites and museums pursuant to G.S. 121-7.3.

(24) Tryon Palace Commission with respect to operating hours, admission fees fees, or related activity fees pursuant to G.S. 143B-71.

(25) U.S.S. Battleship Commission with respect to operating hours, admission fees fees, or related activity fees pursuant to G.S. 143B-73."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DNCR-H3-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**SYMPHONY CHALLENGE GRANT**

**SECTION #.(a)** Of the funds appropriated in this act to the Department of Natural and Cultural Resources, the sum of two million dollars (\$2,000,000) in recurring funds for the 2019-2020 fiscal year and two million dollars (\$2,000,000) in recurring funds for the 2020-2021 fiscal year shall be allocated to the North Carolina Symphony in accordance with this section. It is the intent of the General Assembly that the North Carolina Symphony raise at least nine million dollars (\$9,000,000) in non-State funds each year of the 2019-2021 fiscal biennium. The North Carolina Symphony cannot use funds transferred from the organization's endowment to its operating budget to achieve the fund-raising targets set out in subsections (b) and (c) of this section.

**SECTION #.(b)** For the 2019-2020 fiscal year, the North Carolina Symphony shall receive the allocation from the Department of Natural and Cultural Resources under this section as follows:

- (1) Upon raising the initial sum of four million dollars (\$4,000,000) in non-State funding, the North Carolina Symphony shall receive the sum of six hundred thousand dollars (\$600,000).
- (2) Upon raising an additional sum of two million dollars (\$2,000,000) in non-State funding for a total amount of six million dollars (\$6,000,000) in non-State funds, the North Carolina Symphony shall receive the sum of seven hundred thousand dollars (\$700,000).
- (3) Upon raising an additional sum of three million dollars (\$3,000,000) in non-State funding for a total amount of nine million dollars (\$9,000,000) in non-State funds, the North Carolina Symphony shall receive the final sum of seven hundred thousand dollars (\$700,000) in the 2019-2020 fiscal year.

**SECTION #.(c)** For the 2020-2021 fiscal year, the North Carolina Symphony shall receive the allocation from the Department of Natural and Cultural Resources under this section as follows:

- (1) Upon raising the initial sum of four million dollars (\$4,000,000) in non-State funding, the North Carolina Symphony shall receive the sum of six hundred thousand dollars (\$600,000).
- (2) Upon raising an additional sum of two million dollars (\$2,000,000) in non-State funding for a total amount of six million dollars (\$6,000,000) in non-State funds, the North Carolina Symphony shall receive the sum of seven hundred thousand dollars (\$700,000).
- (3) Upon raising an additional sum of three million dollars (\$3,000,000) in non-State funding for a total amount of nine million dollars (\$9,000,000) in non-State funds, the North Carolina Symphony shall receive the final sum of seven hundred thousand dollars (\$700,000) in the 2020-2021 fiscal year.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DNCR-H12-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**REPORT ON ATTRACTIONS MARKETING**

**SECTION #.(a)** The Department of Natural and Cultural Resources shall study and report on the marketing of the North Carolina Zoological Park, the North Carolina Aquariums, and the North Carolina State Museum of Natural Sciences (the "State Attractions"), including marketing conducted on behalf of the State Attractions by affiliated or independent support or friends organizations. As part of its report, the Department shall assess and provide the following for the 2018-2019 fiscal year:

- (1) All public and private funds spent on marketing the State Attractions, including a breakdown of funding source and the particular marketing uses for the funds from each source.
- (2) Identification of new or innovative marketing techniques of the State Attractions that could be utilized, but currently lack funding.
- (3) The scope and effectiveness of cooperative or collaborative marketing activities with other State agencies or with the nonprofit corporation with which the Department of Commerce contracts pursuant to G.S. 143B-431.01(b).
- (4) An explanation of measures of effectiveness or reach that are used to evaluate current marketing programs, as well as effectiveness or reach data generated by those measures.

**SECTION #.(b)** The Department shall provide its report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division no later than October 15, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2019-DNCR-H6-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***ADD MARKETING AS PERMISSIBLE USE OF NC ZOO FUND***

**SECTION #.** G.S. 143B-135.209(a) reads as rewritten:

"(a) Fund. – The North Carolina Zoo Fund is created as a special fund. The North Carolina Zoo Fund shall be used for the following types of projects and activities at the North Carolina Zoological Park and to match private funds raised for these ~~types of projects~~projects and activities:

- (1) Repair, renovation, expansion, maintenance, and educational exhibit construction. Funds used for repair, renovation, and expansion projects may be transferred to a capital projects fund to account for use of the funds for each project.
- (2) Renovations of exhibits in habitat clusters, visitor services facilities, and support facilities (including greenhouses and temporary animal holding areas).
- (3) The acquisition, maintenance, or replacement of tram equipment as required to maintain adequate service to the public.
- (4) Marketing of the zoo."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DNCR-H5-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**STATUTORY AUTHORITY REGARDING RECREATION**

**SECTION #.(a)** Subsections (a) and (d) of G.S. 143-323 are recodified as subsections (a) and (b) of G.S. 143B-135.60, and entitled "Additional powers and duties of the Department regarding recreation."

**SECTION #.(b)** G.S. 143B-135.60, as enacted by subsection (a) of this section, reads as rewritten:

**"§ 143B-135.60. Additional powers and duties of the Department regarding recreation.**

(a) Recreation. – The Department of ~~Environmental Quality~~ shall have the following powers and duties with respect to recreation:

...

(b) Federal Assistance. – The Department, with the approval of the Governor, may apply for and accept grants from the federal government and its agencies and from any foundation, corporation, association, or individual, and may comply with the terms, conditions, and limitations of the grant, in order to accomplish any of the purposes of the Department. Grant funds shall be expended pursuant to the ~~Executive Budget Act~~. State Budget Act. The Director of the Department's Division of Parks and Recreation has the authority and responsibility to accept and administer funding through the federal Land and Water Conservation Fund or any successor fund established for similar purposes. The Secretary may designate additional personnel to assist the Director of the Division of Parks and Recreation in fulfilling the Director's responsibilities under this subsection.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2019-DNCR-H4-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***PARTF PROJECTS***

**SECTION #.(a)** One million five hundred thousand dollars (\$1,500,000) of the funds available to the Parks and Recreation Trust Fund for the 2019-2020 fiscal year shall be used to build a public sculpture park on land located between the Legislative Building and the Governor's Mansion in downtown Raleigh to commemorate historic and ongoing struggles for freedom in North Carolina, and especially the enduring roles of African-Americans in the struggle for freedom in this State. Notwithstanding G.S. 143B-135.56(b)(2), these funds shall not be expended unless North Carolina Freedom Park raises the sum of one million seven hundred thousand dollars (\$1,700,000) in non-State funds to match the funds allocated by this section.

**SECTION #.(b)** One million dollars (\$1,000,000) of the funds available to the Parks and Recreation Trust Fund for the 2019-2020 fiscal year shall be used for stabilization or renovation of structures located on the Vade Mecum tract at Hanging Rock State Park as set forth in the July 2018 Hanging Rock State Park Expansion Master Plan.



GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2019-DNCR-H10-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**CONSERVATION CORPS NAME CHANGE**

SECTION #. G.S. 143-58.7 reads as rewritten:

**"§ 143-58.7. Contracts with ~~Youth~~ Conservation Corps.**

State departments, institutions, and agencies may contract with ~~the North Carolina Youth~~ Conservation Corps of North Carolina to perform trail construction and maintenance, invasive species removal, and other conservation projects in State parks, State forests, and other State-owned facilities where the projects provide direct public benefits to the citizens of the State and offer youth and young adults of the State a structured program that connects them to natural resources and teaches job skills, leadership, community service, and personal responsibility. Contracts under this section are exempt from the competitive bidding procedures described in this Article and the rules adopted under it."

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2019-DNCR-H9-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***NATURAL HERITAGE PROGRAM FEES***

**SECTION #.** G.S. 143B-135.272(a) reads as rewritten:

"(a) The Secretary may establish fees to defray the costs associated with any of the following:

- (1) Responding to inquiries requiring customized environmental review services or the costs associated with developing, improving, or maintaining technology that supports an online interface for external users to access Natural Heritage Program data. ~~The Secretary may reduce or waive the fee established under this subsection if the Secretary determines that a waiver or reduction of the fee is in the public interest.~~
- (2) Any activity authorized under G.S. 143B-135.234(10), including an inventory of natural areas conducted under the Natural Heritage Program, conservation and protection planning, and informational programs for owners of natural areas, as defined in G.S. 143B-135.254."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DNCR-H11-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***NATURAL HERITAGE PROGRAM ADMINISTRATION AND FUND CORRECTION***

**SECTION #.(a)** G.S. 143B-135.272(b) reads as rewritten:

"(b) Fees collected under this section are receipts of the Department of Natural and Cultural Resources and shall be deposited in the ~~Clean Water Management Trust Fund~~ special fund for the purpose of supporting the operations of the Natural Heritage Program."

**SECTION #.(b)** Part 42 of Article 2 of Chapter 143B of the General Statutes is amended by adding a new section to read:

**"§ 143B-135.273. Administration of the Conservation Tax Credit program.**

All duties and responsibilities related to stewardship and oversight of properties and interests for which tax credits were granted under the Conservation Tax Credit program for tax years beginning before January 1, 2014, and previously given to the Department of Environmental Quality or its predecessors are transferred to the Department of Natural and Cultural Resources. The Department of Natural and Cultural Resources shall exercise the duties and responsibilities transferred by this section through the Natural Heritage Program."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-WRC-H1-P

Wildlife Resources Commission  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

1 **WRC REPORT CHANGE**

2 **SECTION #.** G.S. 143-250 reads as rewritten:

3 **"§ 143-250. Wildlife Resources Fund.**

4 ...

5 All moneys credited to the Wildlife Resources Fund shall be made available to carry out the  
6 intent and purposes of this Article in accordance with plans approved by the North Carolina  
7 Wildlife Resources Commission, and all ~~such of these~~ funds are ~~hereby~~ appropriated, reserved,  
8 set ~~aside~~ aside, and made available until expended, for the enforcement and administration of this  
9 Article, ~~Chapter 75A, Article 1, and Chapter 113, Subchapter IV of the General Statutes of North~~  
10 ~~Carolina. Article 1 of Chapter 75A of the General Statutes, and Subchapter IV of Chapter 113 of~~  
11 ~~the General Statutes.~~ No later than October 1 of each year, the Wildlife Resources Commission  
12 shall report to the ~~Joint Legislative Commission on Governmental Operations~~ Joint Legislative  
13 Oversight Committee on Agriculture and Natural and Economic Resources on the expenditures  
14 from the Wildlife Resources Fund during the fiscal year that ended the previous July 1 of that  
15 year and on the planned expenditures for the current fiscal year.

16 ...."